

### **REMARKS**

This paper is a response to the Office Action dated August 7, 2009. Prior to entry of this paper, claims 1-26 were pending in this application. Claims 1-4, 6-14, and 16-26 are now amended. No claims are cancelled or added. The amendments are made without prejudice to pursuing the subject matter of the claims prior to amendment in a continuation or other application. Upon entry of this paper, claims 1-26 will remain pending. In addition, the specification is amended to cross-reference other applications. No new matter is added.

In the Office Action mailed August 7, 2009, pending claims 1-26 were rejected. More specifically, the status of the application in light of this Office Action is as follows: claims 1-26 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over various combinations of U.S. Patent 6,502,194 ("Berman") and U.S. Patent Application Publication 2001/0030660 ("Zainouline").

As an introductory matter, the undersigned thanks the Examiner for the consideration shown during the Examiner Interview conducted on Nov. 3, 2009. During the interview, the parties discussed applicant's technology, the combination of Berman with Zainouline, and the "Response to Arguments" on pages 2-3 of the Office Action.

Independent claim 1 is respectfully submitted to be allowable at least because the applied references fail to disclose or suggest the now-claimed feature of being configured to, "in response to skipping to a target content segment of the predetermined sequence of content segments whose beginning portion has been downloaded to the pre-buffer cache, initiate play of the downloaded beginning portion of the target content segment if less than a preallocated quantity of content segments were previously streamed, during a subscription period, in association with a subscriber[.]" (Emphasis added.) This feature is supported by applicants' disclosure, e.g., by pages 86, 102, 106, and 114 of U.S. Provisional Application 60/433,734 ("the '734 provisional") which is incorporated into the instant application. For the Examiner's convenience, the cited

pages from the '734 provisional are labeled within the '734 provisional as pages 5, 21, 25, and 33 of the "Product Requirements Document" which begins on page 82 of the '734 provisional.

Independent claims 6, 16, and 26 are respectfully submitted to be allowable at least because the applied references fail to disclose or suggest the now-claimed feature of "wherein the initiation of play of the content segment is based on whether less than a preallocated quantity of content segments were previously streamed, during a subscription period, in association with a subscriber[.]" This feature is supported by applicants' disclosure, e.g., by pages 86, 102, 106, and 114 of the '734 provisional.

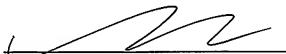
The remaining claims depend from one of independent claims 1, 6, 16, or 26 and are respectfully submitted to be allowable based at least upon such dependence.

#### Conclusion

In view of the foregoing, the pending claims are patentable over the applied art. Applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Davin Chin at (206) 359-8000.

Respectfully submitted,  
Perkins Coie LLP

Date: January 6, 2010

  
Davin Chin  
Registration No. 58,413

#### Correspondence Address:

Customer No. 25096  
Perkins Coie LLP  
P.O. Box 1247  
Seattle, Washington 98111-1247  
(206) 359-8000